

## REVISED CODE OF WASHINGTON (RCW)

The laws pertaining to Carrying a Concealed Weapon and Use of Force are outlined in the Revised Code of Washington.

### **RCW 9.41.070**

Concealed Pistol Licenses

### **RCW 9.41.270**

Open Carry

### **RCW 9A.16.020**

Use of Force – When Lawful

### **RCW 9A.16.030**

Homicide – When Excusable

### **RCW 9A.16.040**

Justifiable Homicide—Police Officer

### **RCW 9A.16.050**

Justifiable Homicide—By Other Person

### **RCW 9A.16.110**

Defending Against Violent Crime –  
Reimbursement

The laws involving firearms and dangerous weapons are covered under RCW 9.41 and are available online at <http://apps.leg.wa.gov/rcw/>



## LEWIS COUNTY SHERIFF'S OFFICE MISSION STATEMENT

*To make a positive difference for members of our community by seeking and finding ways to affirmatively promote, preserve and deliver a feeling of security, safety and quality service.*

### **Use of Deadly Force The Reasonable Person Standard**

When determining if an act is a justifiable or an excusable homicide, the totality of the circumstances are reviewed using a “**reasonable person standard.**”

If the actions are found **reasonable**, no charges are pursued. If the act is unlawful, or there is ambiguity, charges may be pursued. In cases of ambiguity it may be necessary for a jury of the person's peers to determine the **reasonableness** of their actions.

#### **E-Mail:**

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#### **Website:**

For additional information on deadly force, visit us on the web at:  
**[www.lewiscountywa.gov/sheriff](http://www.lewiscountywa.gov/sheriff)**

## OFFICE OF THE LEWIS COUNTY SHERIFF

## A Resource Guide for the USE OF DEADLY FORCE



**SHERIFF STEVE  
MANSFIELD**

*“Committed to Make a  
Positive Difference”*

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## LAWS THAT ALLOW CITIZENS TO USE FORCE FOR SELF-DEFENSE & DEFENSE OF OTHERS

### USE OF FORCE

Do you know the laws pertaining to use of force for self-defense and defense of others?

Have you ever thought about being confronted with making a decision to use deadly force in defense of yourself or another person?

Are you familiar with the laws that guide and protect people who must resort to deadly force to protect themselves or others?

Can you answer the following questions?

- What is the “reasonable person” standard?
- What can I expect to occur if I use deadly force?
- What determines if I am charged with a crime?
- What if I am charged, but a jury finds I acted in self-defense?

If you don't know the answers to these questions, this pamphlet will serve as a resource guide to steer you to laws governing the complex issues involving concealed weapons permits, open carry and use of deadly force.

### CASTLE DOCTRINE

An American legal doctrine arising from English Common Law designates one's place of residence (or, in some states, any place legally occupied, such as one's car or place of work) as a place in which one enjoys protection from illegal trespassing and violent attack. It then goes on to give a person the legal right to use deadly force to defend that place (his “castle”), and any other innocent persons legally inside it, from violent attack or an intrusion which may lead to violent attack. In a legal context, therefore, use of deadly force which actually results in death may be defended as justifiable homicide under the Castle Doctrine.

### WASHINGTON DOES NOT HAVE A CASTLE DOCTRINE IN THE RCW, HOWEVER...

Washington has no “duty to retreat,” as precedent was set in *State v. Studd* (1999) and *State v. Reynaldo Redmond* (2003) when the court found: “that there is no duty to retreat when a person is assaulted in a place where he or she has a right to be.”

### KNOWLEDGE – YOUR MOST VALUABLE WEAPON

The Second Amendment to the U.S. Constitution protects the rights of the people to keep and bear arms. The laws of the State of Washington define how one can carry a weapon and legally protect themselves.

While the right to keep and bear arms and the laws pertaining to use of force reside in separate documents, they are closely intertwined on issues of deadly force.

It is your obligation to act in a responsible manner in exercising your right to keep and bear arms, and at the same time know and understand the laws governing the use of deadly force.

Before you decide to arm yourself with a weapon, you should first arm yourself with the most valuable weapon of all – **knowledge**. Possessing advance knowledge of the limits of the law, the boundaries of your rights, and the capabilities of your weapon will not only enhance your ability to effectively and safely react during a potential deadly force encounter, but will also increase your chances of surviving under the most stressful conditions.